

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DARREN HERRERA and PAULA
GARCIA,

Plaintiffs,

v.

No. 1:20-cv-00538-KWR-SCY

CITY OF ESPANOLA, a municipality, JANE
ROES 1-3, JOHN DOES 1-2, DANIELLE
BUSTOS, and XAVIER MARTINEZ in their
individual capacities,

Defendants.


ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

THIS MATTER is before the Court on Magistrate Judge Steven C. Yarbrough's January 25, 2023, Proposed Findings and Recommended Disposition ("PFRD"). Doc. 73. In that PFRD, Judge Yarbrough recommended that the Court dismiss the fictitious defendants (Jane Roes 1-3 and John Does 1-2) because Plaintiffs did not timely identify and serve them. *Id.* at 1. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* at 2. The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court **CONCURS** with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court **ADOPTS** Judge Yarbrough's Proposed Findings and Recommended Disposition, Doc. 73.
2. All claims against Defendants Jane Roes 1-3 and John Does 1-2 are **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.



KEA W. RIGGS
UNITED STATES DISTRICT JUDGE